

REMARKS

Claims 45-60 are rejected under 35 U.S.C. 112, first paragraph, as allegedly lacking sufficient written description. It is argued that the specification as filed does not provide support for the phrase “an analog of human erythropoietin comprising the amino acid sequence of human erythropoietin from residues 1-165 as shown in SEQ ID NO:1 **except** for ... “ [Examiner’s emphasis] in Claims 45, 46, 49 and 50. It is also argued that the phrases “the composition further comprising an amino acid” in Claim 58 and “wherein the amino acid is lysine or glycine” in Claim 59 is not supported by the disclosure. Applicants disagree.

On p. 11 starting at line 6, the specification states that “ ... the term ‘hyperglycosylated Epo analog’ refers to Epo comprising at least one additional glycosylation site with an additional carbohydrate chain attached to the site.” The disclosure indicates that a hyperglycosylated erythropoietin analog has a least one additional glycosylation site and may also have other (unspecified) elements such as, for example, other amino acid deletions, substitutions, insertions, and so forth. It is clear that the inventors possessed erythropoietin except for one or more amino acid changes which provide for one or more additional glycosylation site(s). Support for Claim 50 is also found in the exemplified analogs, which are set forth in Tables 1 and 3 of the specification.

Support for Claim 58 and Claim 59 is found at p. 28, lines 30-32 of the specification.

It is requested that the rejection be withdrawn.

Claim 47 is objected to as being an improper dependent claim for failing to limit the subject matter of the previous claim. Claim 47 has been amended to place the claim in proper dependent form. It is requested that the rejection be withdrawn.

CONCLUSION

Claims 45-60 are in condition for allowance and an early notice thereof is solicited.

Respectfully submitted,



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47. (amended) The analog of Claim 46 [comprising] wherein the additional glycosylation sites are introduced at positions 30, 55, 88 and 114 and wherein an N-linked carbohydrate chain is attached at each of said additional sites.